



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

NOV 09 1992

TELECOPY AND CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Captain R. E. Brown, Commanding Officer  
Chesapeake Division,  
Naval Facilities Engineering Command  
Building 212  
Washington Navy Yard  
Washington, D.C. 20374-2121  
(Attn: Patricia Chalfant and J. S. DeLasho)

Re: In re: Bainbridge Naval Training Center  
Federal Facilities Compliance Agreement - Amendment  
Docket No. III-FCA-CAA-008

Dear Captain Brown:

Please find enclosed a signed copy of the Amendment to the Federal Facility Compliance Agreement (FFCA) between the Environmental Protection Agency, Region III (EPA) and the United States Navy, acting through the Chesapeake Division, Naval Facilities Engineering Command (Navy), concerning the Bainbridge Naval Training Center located in Cecil County, Maryland. The FFCA, as amended, contains a "plan", as described in Section 1-601 of Executive Order 12088, designed to achieve and maintain compliance with the Clean Air Act (CAA), 42 U.S.C. § 7401 et seq., and, in particular, with the National Emission Standard for Asbestos (Asbestos NESHAP), 40 C.F.R. Part 61, Subpart M, which has been promulgated pursuant to Section 112 of the CAA, 42 U.S.C. § 7412.

According to EPA policy, an FFCA is the appropriate mechanism for ensuring that the violations of the CAA and the Asbestos NESHAP cited in the Agreement are addressed. If the Navy fails to comply with the CAA, the Asbestos NESHAP, and/or the terms of this FFCA, EPA may take further action.

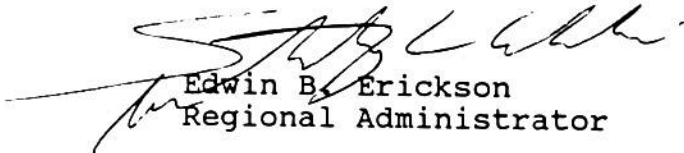
Please be advised that EPA is still awaiting the Navy's proposal concerning the period necessary, after landfilling of the existing debris piles, to complete final site certification of these demolition sites. (See September 22,

1992 letter from James Burke to Edward Olenginski, Attachment B to FFCA Amendment). I would be grateful if the Navy would submit this information to Mr. Burke as soon as possible.

If you have any legal or procedural questions concerning this matter, please contact Mr. William C. Smith of EPA Region III's Office of Regional Counsel at (215) 597-6507. If you have any technical questions concerning this matter, please contact Mr. John Daley of EPA Region III's Asbestos and Lead Management Section at (215) 597-1973.

Your efforts to achieve compliance with the applicable pollution control requirements are greatly appreciated.

Sincerely,



Edwin B. Erickson  
Regional Administrator

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

IN THE MATTER OF:	)	FEDERAL FACILITY
	)	COMPLIANCE AGREEMENT -
BAINBRIDGE NAVAL TRAINING CENTER,	)	AMENDMENT
Cecil County, Maryland	)	
	)	
UNITED STATES NAVY	)	Docket No.
	)	III-FCA-CAA-008

Pursuant to Paragraph 7-2 of the Federal Facility Compliance Agreement (FFCA) in this matter, and without trial or adjudication of any issues of fact or law, the parties agree to the following amendment of the FFCA.

1. FFCA Paragraph 4-7 (landfilling of demolition debris)

FFCA Paragraph 4-7 is amended to read as follows:

By October 16, 1992, the Navy shall remove to an approved, operational landfill all building debris piles that have been determined to contain RACM from the Navy's prior demolition and asbestos removal activities at Bainbridge. Such RACM shall be kept adequately wet (or treated pursuant to FFCA Paragraphs 4-11A and 4-11B) until deposited in the landfill. On or before October 16, 1992, the Navy shall commence site restoration to ensure that all prior demolition sites do not contain asbestos containing waste material, and to make the certifications required pursuant to FFCA Paragraphs 4-10. The Navy shall not conduct any demolition activities at Bainbridge involving any building that is known or suspected to contain RACM unless and until:

- A. all RACM-containing debris piles from the Navy's prior demolition and asbestos removal activities at Bainbridge have been deposited in an approved landfill; and,
- B. the Navy is in full compliance with the timely disposal requirements of FFCA Paragraph 4-8 and the adequate wetting and emission control requirements of this FFCA Paragraph 4-7, and FFCA Paragraphs 4-10,



4-11A and 4-11B.

2. FFCA Paragraph 4-8 (Waste Disposal)

FFCA Paragraph 4-8 is amended to read as follows:

4-8. As of the date that the Navy obtains the use of an approved, operational landfill, the Navy shall ensure that all RACM involved in the Navy's post January 16, 1992 demolition and asbestos removal activities is deposited as soon as practical at such landfill. For purposes of this Paragraph 4-8 "as soon as practical" shall mean within 48 hours (excluding weekends and federal holidays) of the demolition or asbestos removal activity which generated the material, unless a force majeure event (as defined in Section VI of this Agreement) prevents compliance with this 48 hour requirement. If the Navy does not dispose of asbestos-containing waste material generated by the Navy's demolition and asbestos removal activities within 48 hours because of an intervening weekend or federal holiday, the Navy shall take whatever measures are necessary (e.g., additional removal activity, adequate wetting, encapsulation) to prevent visible emissions at that site, and shall notify EPA in writing of the measures taken within two (2) working days of the time such measures are taken.

3. FFCA Paragraph 4-10 (Emission Control)

FFCA Paragraph 4-10 is amended to read as follows:

4-10. As of June 14, 1991, the Navy shall ensure that the following areas at the Bainbridge site are secured and maintained in such a manner as to prevent or minimize asbestos emissions and the exposure of RACM (including transite paneling damaged by the Navy's demolition activities) that is not adequately wetted or otherwise treated in accordance with Paragraphs 4-11A and 4-11B. The areas described in subparagraph A and B of this Paragraph shall be so maintained until the Navy certifies in writing to EPA and MDE that they do not contain asbestos-containing waste material. The areas described in subparagraph C of this Paragraph shall be so maintained until the Navy certifies in writing to EPA and MDE that the landfills are closed, in compliance with federal, state, and local requirements for the covering and closure of landfills.

4. New FFCA Paragraphs 4-11A and 4-11B (Emission control)

The following provision is added to the FFCA after FFCA Paragraph 4-11:

4-11A. Effective January 16, 1992, the Navy shall

adequately wet the areas described in FFCA Paragraph 4-10, or use an alternative EPA-approved method (see, e.g., September 22, 1992 letter from James J. Burke to Edward Olenginski, attached hereto as Attachment B) to prevent visible emissions from such areas. EPA approval of an alternative emission control method may be withdrawn upon a determination by EPA that the method is unsafe, environmentally unsound, or otherwise inadequate to prevent visible emissions. EPA approval of an alternative method to prevent visible emissions shall not be construed as affecting the Navy's responsibility to obtain all applicable permits and authorizations from state, local, or other federal agencies required to use such an alternative method at Bainbridge.

4-11B. Effective January 16, 1992, EPA conditionally approves the following proposal for the wetting of the existing (i.e., created by pre-January 16, 1992 demolition or renovation activities) debris piles containing asbestos-containing waste material (including damaged transite).

a. The Navy shall either (1) adequately wet each such debris pile on a daily, seven day/week basis in a manner sufficient to prevent visible emissions (except on days when natural precipitation is sufficient to keep the debris piles adequately wetted throughout the day), or (b) use an encapsulant or alternative emission suppression method that has been previously approved in writing by EPA for use at Bainbridge.

b. The Navy shall submit copies of all monitoring results to EPA and MDE in accordance with FFCA Paragraph 4-25, except that the Navy shall inform EPA and MDE within twenty four (24) hours of the completion of any monitoring that reveals of ambient air asbestos levels of .1 fibers/cc or greater.

c. EPA may require the Navy to conduct additional wetting, or use alternative emission control measures, if visual observations or air monitoring data reveal asbestos emissions from the existing debris piles.

d. EPA's approval of this wetting method does not in any way affect the Navy's obligation under the Asbestos NESHAP or this Agreement to adequately wet RACM-containing debris created by demolition occurring after January 16, 1992.

##### 5. New FFCA Paragraphs 5-26 and 5-27 (Security)

The following provisions are added to the FFCA after FFCA Paragraph 5-25:



### Security Requirements

5-26. The Navy shall take reasonable measures to ensure that the areas of the Bainbridge site identified in FFCA Paragraph 4-10 are secured in a manner that is designed to prevent access to these areas by unauthorized persons.

5-27. The Navy shall notify EPA and MDE by telephone within twenty four (24) hours of its discovery of evidence of actual or suspected access to the areas of the Bainbridge site identified in FFCA Paragraph 4-10. Within three (3) days of such discovery, the Navy shall notify EPA and MDE in writing of the circumstances of the unauthorized access (e.g., time, duration, and location of access), and the measures to be taken by the Navy to prevent the reoccurrence of unauthorized access.

### 6. FFCA Paragraph 4-17A (Transite)

The following provision is added to the FFCA after FFCA Paragraph 4-17. This provision is based on the representations contained in a July 13, 1992 affidavit from James A. Francis, P.E., concerning his survey of the existing Class II and Class III buildings at Bainbridge. Attachment B. The Navy represents that Mr. Francis is fully qualified to make the engineering determinations contained in his affidavit, and that these determinations represent Mr. Francis' independent and unbiased engineering judgment. Based on currently available information, EPA Region III concurs with Mr. Francis' findings. However, EPA reserves its right to conduct additional inspections or evaluations in order to determine, pursuant to FFCA Paragraph 4-17A, whether transite from any building to be demolished at Bainbridge may be safely removed prior to demolition.

4-17A. The Navy shall not use the demolition method specified in FFCA Paragraph 4-17, Subsection (B), for Buildings No. 845 and 110 at Bainbridge unless it receives prior written approval from EPA. EPA may require the demolition method specified in FFCA Paragraph 4-17, Subsection (A) for any building to be demolished at Bainbridge, if it determines, and notifies the Navy in writing, that the transite from such building may be safely removed prior to demolition.


### 7. Effective Date of FFCA Amendment

The effective date of this Amendment to the FFCA shall be the date on which it is signed by the Regional Administrator, U.S. Environmental Protection Agency, Region III. EPA agrees to notify the Navy upon signature of this Amendment. Except as

specifically modified or amended herein, all terms of the FFCA remain in full force and effect.

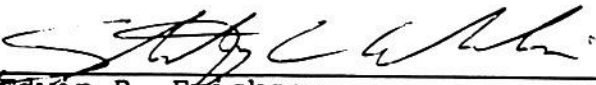
22 OCT 92

Date

  
\_\_\_\_\_  
Captain R. E. Brown  
Commanding Officer  
Chesapeake Division  
Naval Facilities Engineering Command

NOV 09 1992

Date

  
\_\_\_\_\_  
Edwin B. Erickson  
Regional Administrator  
United States Environmental Protection Agency

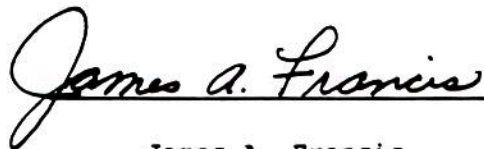
ATTACHMENT A

AFFIDAVIT

James A. Francis, P. E., Structural Engineer  
Chesapeake Division, Naval Facilities Engineering Command

On July 7, 1992, at the request of EPA Region III during a recent meeting between EPA and Navy personnel, I conducted a survey of all the remaining Class II and Class III buildings at the Naval Training Center, Bainbridge for the sole purpose of determining whether or not the transite panels on these buildings could safely be removed without the slightest possibility of personal injury to workers performing the removal. Subsequent to my previous survey in August 1991, when I re-classified forty-seven Class III buildings as Class II buildings to allow for friable asbestos removal, practically all of the remaining buildings, scheduled for demolition, have incurred additional structural damage, including those buildings that were re-classified. The structural damage consists of: completely collapsed buildings; buildings with collapsed roofs and/or floors (or about to collapse); buildings with bulging sides, and buildings with severely deteriorated main support structures. A major lateral support, that is currently aiding in preventing these buildings from total collapse, are the large transite panels. Therefore, as I stated in my previous affidavit of April 10, 1992, which was sent to EPA Region III in our letter of April 15, 1992, it is my professional opinion that to attempt to remove the transite panels from the inside and outside of these buildings can only weaken the already poor structural integrity of these buildings to the point of possible collapse, thereby, producing a very unsafe working situation. This rationale applies to all of the remaining buildings scheduled for demolition, with the possible exemption of buildings 845 and 110. These two buildings could conceivably have the transite panels safely removed.

In addition to the above, not even partial transite panel removal should be attempted because it would be extremely difficult if not impossible to determine where safe removal ends and unsafe removal begins.

  
James A. Francis

Date:



Enclosure (1)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

SEP 22 1992

Edward Olenginski, Code 182  
Manager, Environmental Engineering Branch  
Chesapeake Division, Naval Facilities  
Engineering Command  
Washington Navy Yard, Bldg. 212  
Washington, DC 20374-2121

**Re: Federal Facility Compliance Agreement  
Bainbridge Naval Training Center**

Dear Mr. Olenginski:

Pursuant to EPA's September 11, 1992 site visit to Bainbridge Naval Training Center, I am writing to advise you that EPA Region III approves the following emission control method for the final clean-up of existing (i.e., created by pre-January 16, 1992 demolition or renovation activities) demolition debris piles. The Navy intends to deposit all such debris piles in an approved, operational landfill by October 16, 1992. The Navy shall complete final site restoration, sufficient to meet the certification requirements of FFCA Paragraph 4-10, within a brief period thereafter.

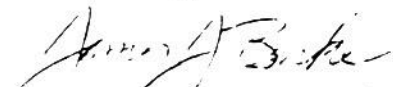
If, in the interval between the removal of the demolition debris piles and the Navy's FFCA Paragraph 4-10 certification, the Navy determines, or EPA or MDE find (and so notify the Navy), that the removal of demolition debris piles at a particular site is not adequate to prevent asbestos emissions at that site, the Navy shall immediately take whatever measures are necessary (e.g., additional removal activities, adequate wetting, encapsulation) to prevent asbestos emissions at that site and shall notify EPA in writing of the measures taken. In the event that EPA determines that such measures are inadequate to prevent asbestos emissions, EPA may direct the Navy to take additional measures to prevent such emissions.

During their September 11, 1992 site visit, John Daley and Tom Slenkamp of my staff accompanied Navy and International Crane Company personnel on a review of various demolition sites, and discussed with both parties the level of cleanup necessary for this interim period. On the basis of this review, mutual agreement was reached on the level of cleanup necessary prior to final site restoration.

EPA is still awaiting the Navy's proposal concerning the period required, after landfilling of the debris piles, to complete this final site certification. Please advise EPA immediately as to the Navy's proposal so that we may conclude the FFCA discussions in an expeditious manner.

Please do not hesitate to contact me (215/597-8598) if you have any questions or comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "James J. Burke". The signature is fluid and cursive, with the first name "James" and last name "Burke" clearly distinguishable.

James J. Burke, Chief  
Toxics and Pesticides Branch

cc: Lt. Cmdr. Rakel  
John McQuade  
William Angellotti